

IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF WISCONSIN

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NICK WILLIAM SCHALLER,

Plaintiff,

v.

DR. HEINZL,

Defendant.

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ORDER

08-cv-403-bbc

On September 5, 2008, I granted plaintiff Nick William Schaller leave to proceed in forma pauperis on his claim that defendant Heinzl was deliberately indifferent to his serious medical need when he delayed treatment to plaintiff's leg and ankle.

Now plaintiff has filed a motion for summary judgment. This motion must be denied at the outset for plaintiff's failure to comply with this court's summary judgment procedures, a copy of which was sent to him with the Magistrate Judge's preliminary pretrial conference order entered on November 7, 2008. As Judge Crocker explained in his December 11, 2008 order, plaintiff must follow both these procedures and Fed. R. Civ. P. Rule 56 governing summary judgment.

In addition, defendant has filed a motion to strike plaintiff's motion for summary

judgment. Because I am denying plaintiff's motion for summary judgment in this order, defendant's motion to strike is denied as unnecessary.

ORDER

IT IS ORDERED that:

- 1) Plaintiff's motion for summary judgment, dkt #34, is DENIED.
- 2) Defendant's motion to strike plaintiff's motion for summary judgment, dkt #36, is DENIED.

Entered this 5<sup>th</sup> day of January, 2009.

BY THE COURT:

/s/

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BARBARA B. CRABB  
District Judge